

REMARKS

Claims 1-10 have been previously canceled and no claims have been amended, added or canceled by way of this response. Thus, claims 11-24 are currently pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the following remarks.

Response to Rejections Under Section 103:

Claims 11-24 stand rejected under 35 U.S.C § 103(a) as being obvious over Jacobsen et al. (US Pub. No. 2002/0013540), hereinafter Jacobsen, in view of Moorman et al. (USPN 5,835,561), hereinafter Moorman.

In the instant Office Action, the Examiner contends that Jacobsen in view of Moorman teaches Applicant's claimed invention. Applicant disagrees and respectfully submits that the combination of Jacobsen in view of Moorman does not teach or suggest the claimed limitation of:

... a control unit which controls the taking of the high energy image, the control unit supplied with an identification code of the adjuvant via an input device and adapted to set operating parameters of the image unit according to the identification code

as recited in claim 11, or

... controlling the taking of the high energy image by an imaging unit via a control unit;
inputting an identification code of the medical adjuvant into the control unit;
setting operating parameters of the imaging unit via the control unit according to the identification code ...

as recited in claim 20.

Specifically, Jacobsen teaches a guide wire catheter having improved torque and flexural characteristics [see 0003]. The Examiner contends that "Jacobson teaches micromachining which is a computer controlled automated process [see 0099] that can be used as the control unit." Applicant disagrees and submits that the computer control of Jacobson is an automated **design process** as taught in paragraphs [0091] to [0092], where engineering design calculations are automated to **design a guide wire** having specifically tailored bending and/or torsional stiffness and strength for a given application. Jacobson further teaches in [0099] that a unique

bar code can be etched onto the specifically designed guide wire to ensure that the correct guide wire is used for the correct patient.

Moorman teaches an x-ray system and method of locating and identifying objects such as a catheter inside a patient. Therefore, the modification of Jacobsen in view of Moorman would provide an x-ray system and a guide wire specifically designed for a given patient for use with the x-ray system, and not a device and method for taking a high energy image of an object under medical examination having a control unit which controls the taking of the high energy image, the control unit supplied with an identification code of the adjuvant via an input device and adapted to set operating parameters of the image unit according to the identification code as required by claims 11 and 20. Moreover, there is no suggestion in the references for a control unit as describe above, therefore Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness.

In light of the above, Applicant respectfully submits that claims 11 and 20 are patentable as well as claims 12-19 and 21-24 at least based on their dependence from claims 11 and 20 as well as based on their own merits and respectfully request the Examiner to withdraw the Section 103 rejections.

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Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: April 21, 2009

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